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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/970,060	10/03/2001	Leward Nile Smith	5453.00009	9025
75	90 08/27/2003			
Bliss McGlynn & Nolan, P.C. Suite 600 2075 West Big Beaver Road			EXAMINER	
			ROSENBAUM, MARK	
Troy, MI 48084			ART UNIT	PAPER NUMBER
			3725	
			DATE MAILED: 08/27/2003	\mathcal{A}

Please find below and/or attached an Office communication concerning this application or proceeding.

4) ☐ Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 4 ☐ Interview Summary (PTO-413) Paper No(s)		Application No.	Applicant(s)				
Mark Rosenbaum 3725		09/970,060	SMITH, LEWARD NILE				
- The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALIUNG DATE OF THIS COMMUNICATION. Edamics of the mem by the availation and 37 CRF 1.136(s), in no evert, however, may a reply be timely filed 1 this period for reply appelled above is less than thirty (30) steps, as reply within the statutory reprival large year of the period for reply appelled above is less than thirty (30) steps, as reply within the statutory reprival large year of large year of the period for reply specified above, the maximum statutory period vall again \$20 (MONTH's from the maling date of this communication to become ABANCONEC) (39 t.s.C. § 133). 1 His operation for reply appelled the set of extended period for reply with pit statutory period vall again \$20 (MONTH's from the maling date of this communication. The period period the set of the communication to become ABANCONEC) (39 t.s.C. § 133). 2 have been application in Si FINAL. 2 b) This action is private. 3 his period is application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queryle, 1935 c.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-22 is/are pending in the application. 4) Claim(s) 1-22 is/are pending in the application. 5 Claim(s) 1-22 is/are rejected. 7 Claim(s) 1-22 is/are rejected to. 9 Claim(s) 1-22 is/are objected to. 10 The drawing(s) filed on 1-1 is/are: a) accepted or b) objected to by the Examiner. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on 1-1 is/are: a) accepted or b objected to by the Examiner. 11 approved, corrected drawings are required in reply to this Office action. 12 The oath or declaration is objected to by the Examiner. Priority under 35	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Ederation of three may be available under the provisiones of 37 CFR 1.38(a), in no event, however, may a reply be timely filed. Ederation of three may be available under the provisiones of 37 CFR 1.38(b), in no event, however, may a reply be timely filed. Ederation of three may be available under the provisiones of 37 CFR 1.38(b), in no event, however, may a reply be timely filed. Ederation of the major of the provision of the pro		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-20 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) 1-20 is/are rejected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10○ The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12○ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13○ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 						
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Application/Control Number: 09/970,060

Art Unit: 3725

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '210' in view of either Rehmer, Forsyth or Reynolds. Smith '210 discloses the basic apparatus except for the use of fans adjacent the waste reducing tool, resulting in poor material flow. Each of the secondary references solves this problem by disclosing similar apparatus including the use of fan blades adjacent the tool; see 33 of Rehmer, 16 of Forsyth, and 60,61 of Reynolds. Therefore, in order to promote better material flow, it would have been obvious for one of ordinary skill in the art to modify Smith '210 by providing fan blades adjacent the waste processing tool, taught to be desirable by each of the secondary references. Any limitations not met by this combination of references are held to be design choices only as they solve no stated problems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Rosenbaum whose telephone number is 703-308-1788. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Ostrager can be reached on 703-308-3136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

1148.

Mark Rosenbaum Primary Examiner Art Unit 3725

MR